

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MOBILE LOGISTICS, LLC,	§	
	§	
Plaintiff,	§	Civil Action No. 4:12-cv-02297
	§	
v.	§	
	§	
OLD DOMINION FREIGHT LINE, INC.,	§	
	§	
Defendant.	§	DEMAND FOR JURY TRIAL

**PLAINTIFF MOBILE LOGISTICS’ RECOMMENDATION THAT THIS CASE BE
REASSIGNED TO JUDGE NANCY ATLAS**

Pursuant to the Court’s November 5, 2012 Management Order [Docket No. 16], Plaintiff Mobile Logistics, LLC (“Mobile Logistics”) hereby recommends that this case be reassigned to United States District Judge Nancy Atlas, who presides over the first-filed suit on the same patent in this district, *Mobile Logistics, LLC v. Costco Wholesale Corporation*, Civil Action No. 4:12-cv-02292 (“the 292 Action”), for the following reasons:

First, this case and the 292 Action are closely related. In both cases, Mobile Logistics alleges infringement of its United States Patent No. 5,999,091 (the “’091 Patent”). In both cases, the products accused of infringement are radio frequency identification (“RFID”) yard management tag and reader systems sold by the same company, TransCore, and the same counsel for TransCore is currently representing the accused infringers in both this case and the 292 Action. As a result, issues relating to infringement, claim construction, validity, and enforceability will likely be identical in both cases. Reassigning the present case to Judge Atlas will therefore best conserve the resources of both the Court and the parties by avoiding duplicative litigation.

Second, it is the policy of this Court that a later-filed related case be reassigned to the judge for the oldest case. Specifically, in the context of consolidation, Local Rule 7.6 requires that a motion to consolidate cases “[b]e heard by the judge to whom the oldest case is assigned.” L.R. 7.6. In this instance, the 292 Action is the oldest case, and, therefore, the present case should be reassigned to Judge Atlas, who is currently presiding over the oldest case.

Third, during a conference in the 292 Action on October 22, 2012, this issue of reassignment was discussed. Judge Atlas noted that the 292 Action was the oldest case, and indicated that she would consider accepting reassignment of the present case to her court.

Respectfully submitted,

Dated: November 9, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2012, I electronically filed the above document(s) with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

/s/ Steven R. Daniels
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